

13201.00070

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ARNOLD MAI, ET AL.

Application No.: NYA

Filed:

For: STRIPPER ASSEMBLY

) Examiner: Unknown  
) Group Art Unit:  
)  
)  
) November 28, 2001  
)  
)

#2  
8-602  
11046 U.S. PTO  
09/994776  
11/28/01

Commissioner for Patents  
Washington, D.C. 20231

ATTENTION: Office of Petitions

RECEIVED

AUG 0 8 2002

OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. § 1.47(a)

Sir:

Applicant Arnold Mai respectfully petitions the  
~~Commissioner to accept the above identified patent application on~~  
behalf of himself and one other joint inventor (Mr. Phillippe  
Jean Alphonse Seyler) who has refused to join in the application.

11/30/2001 SHINASS1 00000001 09994776

01 FC:122

130.00 CH

FACTS

1. On October 24, 2001, the undersigned sent to Mr. Seyler's last known address, via Federal Express Courier, a letter enclosing a complete copy of the patent application (including specification, claims, and drawings) together with the Declaration/Power of Attorney form. The letter requested Mr.

Seyler to review the entire application, and then read, sign, and date the attached Declaration. A copy of that letter is attached. See also the attached Declaration of Eric Spencer.

3. Applicants believe that Mr. Seyler's last known mailing address is:

Mr. Philippe Jean Alphonse Seyler  
65 Avenue Victor Hugo  
Luxembourg L-1750  
Luxembourg

4. However, Mr. Seyler has not returned the requested forms attached to the October 24, 2001 letter. See the attached Declaration of Eric Spencer.

5. Accordingly, it is evident that joint inventor Mr. Seyler has refused to join in the application.

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6. Applicants are filing concurrently herewith a Declaration and Power of Attorney, signed by the joint inventors, except Mr. Seyler.

#### **RELIEF REQUESTED**

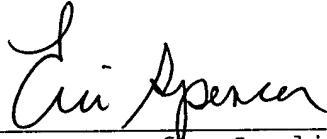
Since it is evident that joint inventor Mr. Seyler has refused to join in the application, Applicant Arnold Mai petitions the Commissioner to accept the subject application under the provisions of 37 C.F.R. § 1.47(a).

**FEE**

The Commissioner is hereby authorized to charge Deposit Account No. 50-1710 for the \$130.00 petition fee and any deficiency in this fee.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



---

Attorney for Applicants  
Eric Spencer  
Registration No. 39,383

Patent Administrator  
KATTEN MUCHIN ZAVIS  
525 West Monroe Street  
Suite 1600  
Chicago, Illinois 60661-3693  
Facsimile: (312) 902-1061

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**OFFICE OF PETITIONS**

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
ARNOLD MAI, ET AL. ) Examiner: Unknown  
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For: STRIPPER ASSEMBLY ) November 28, 2001  
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Commissioner for Patents  
Washington, D.C. 20231

**ATTENTION: Office of Petitions**

**DECLARATION OF ERIC SPENCER IN SUPPORT  
OF PETITION UNDER 37 C.F.R. § 1.47(a)**

Sir:

I, ERIC SPENCER, hereby declare and state that:

1. I am an associate at Katten Muchin Zavis, and I am the person principally in charge of prosecuting the subject application.

2. On or about October 20, 2001, the Assignee advised me that Mr. Seyler was non-responsive to the Assignee's request that Mr. Seyler sign the Declaration.

3. On October 24, 2001, I sent to Mr. Seyler's last known address, via Federal Express Courier, a letter enclosing a complete copy of the patent application (including specification, claims, and drawings) together with the Declaration/Power of Attorney form. The letter requested Mr. Seyler to review the entire application, and then read, sign, and date the attached Declaration. A copy of that letter is attached.

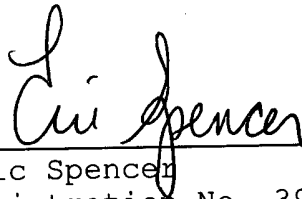
4. I sent the above-referenced October 24, 2001 letter to:

Mr. Philippe Jean Alphonse Seyler  
65 Avenue Victor Hugo  
Luxembourg L-1750  
Luxembourg

5. However, Mr. Seyler has not returned to me the requested signed documents in response to the October 24, 2001 letter.

6. Accordingly, after diligent effort on my part, I conclude that joint inventor Mr. Seyler has refused to join in the application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the subject application or any patent issuing thereon.



Eric Spencer  
Registration No. 39,383

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Fax 202 298 7570 eric.spencer@kmz.com  
www.kmz.com

October 24, 2001

**VIA FEDERAL EXPRESS**

Mr. Philippe Jean Alphonse Seyler  
65 Avenue Victor Hugo  
Luxembourg L-1750  
LUXEMBOURG

Re: U.S. Patent Application  
For: Stripper Assembly  
Our Ref.: 13201.00070

Dear Mr. Seyler:

I am a U.S. patent attorney in charge of prosecuting the above-referenced U.S. patent application before the U.S. Patent and Trademark Office on behalf of Husky Injection Molding Systems Ltd. of Bolton, Ontario, Canada. You are named as one of the joint inventors of this patent application.

Enclosed is a complete copy of the patent application, including a specification, claims, and drawings. Please carefully review the entire application.

Also enclosed is a Declaration/Power of Attorney form which we ask you to read, sign, date, and return to me at your earliest convenience. An Assignment is also enclosed, and we ask you to read, sign, date, and return that document to me as well. Please also correct your residence address on the forms, if necessary.

I have enclosed a pre-paid return Federal Express envelope so that you can return the signed documents to me. If you choose not to sign the Declaration, please indicate such in the space below my signature and return this letter to me in the enclosed Federal Express envelope. If we do not receive a response from you by November 26,

Mr. Philippe Jean Alphonse Seyler  
October 24, 2001  
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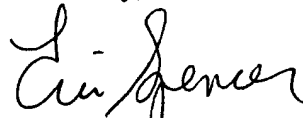
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2001, we will take this as a refusal on your part to execute the Declaration. In such a case, we will proceed to prosecute the above-referenced patent application under the provisions of 37 C.F.R. § 1.47 "Filing when an inventor refuses to sign or cannot be reached."

Please be advised that you are required to keep the materials provided herein confidential in accordance with your employment agreement with Husky.

Please do not hesitate to call me at (202) 625-3574 if you have any questions regarding this matter.

Sincerely,

  
Eric C. Spencer

Enclosures: U.S. patent application  
Declaration/Power of Attorney  
Assignment

cc: G. Gow

**I refuse to sign the Declaration/Power of Attorney.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date